

General Assembly

Amendment

February Session, 2010

LCO No. 5502

HB0520805502HD0

Offered by:

REP. WIDLITZ, 98th Dist. SEN. MEYER, 12th Dist. REP. ROY, 119th Dist.

SEN. LEBEAU, 3rd Dist.

REP. BERGER, 73rd Dist.

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REP. CAFERO, 142nd Dist. REP. HAMZY, 78th Dist.

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REP. FAWCETT, 133rd Dist.

REP. REED, 102nd Dist.

REP. DAVIS, 117th Dist.

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REP. MAZUREK, 80th Dist. REP. SCHOFIELD, 16th Dist.

REP. ALTOBELLO, 82nd Dist.

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REP. D'AMELIO, 71st Dist.

REP. MILLER L., 122nd Dist.

REP. MINER, 66th Dist.

REP. AMAN, 14th Dist.

REP. CAMILLO, 151st Dist.

REP. SCRIBNER, 107th Dist.

REP. LEGEYT, 17th Dist.

REP. GIBBONS, 150th Dist.

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REP. COUTU, 47th Dist.

REP. GIEGLER, 138th Dist.

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REP. HOYDICK, 120^{th} Dist.

REP. PERILLO, 113th Dist.

REP. RIGBY, 63rd Dist.

SEN. FASANO, 34th Dist. SEN. GUGLIELMO, 35th Dist.

SEN. KISSEL, 7th Dist.

SEN. MCLACHLAN, 24th Dist.

To: Subst. House Bill No. 5208

File No. 419

Cal. No. 212

"AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT."

1 Strike everything after the enacting clause and substitute the

2 following in lieu thereof:

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3 "Section 1. Section 22a-6p of the general statutes is repealed and the

4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Not later than seven days from the effective date of this section,

6 the Commissioner of Environmental Protection shall commence a

7 review of the existing timeframes for the review of all individual

permits issued by the department. Not later than September 30, 2010,

9 the commissioner shall issue a comprehensive report, in accordance

with the provisions of section 11-4a, to the Governor and the joint

11 standing committee of the General Assembly having cognizance of

12 matters relating to the environment that (A) proposes a plan to

13 establish a pilot expedited permitting process for not less than two

14 <u>hundred representative manufacturing or other industrial facilities, (B)</u>

15 prescribes changes to be made to the department's review schedules

16 for individual permits, including reducing the timeframes for

17 <u>identifying deficiencies in permit applications and issuing tentative</u>

18 determinations in accordance with subdivisions (2) and (3) of

19 subsection (b) of this section, and (C) indentifies the process

20 improvements, additional resources, staffing and programmatic

21 <u>changes necessary to meet such timeframes.</u>

22 (b) The Commissioner of Environmental Protection shall adopt

23 regulations [on or before October 1, 1996,] in accordance with the

24 provisions of chapter 54, establishing schedules for timely action for

each application for a permit for activity regulated under this title. Such schedules may be based on the lengths of time that the commissioner deems appropriate for different categories of permit applications and permits and may address situations when more than one permit is required for the regulated activity. Each such schedule shall contain the following:

- (1) A provision that the schedule shall begin when an application is received by the Department of Environmental Protection, any public notice requirements have been fulfilled and the application fee is paid;
- (2) One or more periods of reasonable length, based on the nature and complexity of the review required of the department, at the end of which time the department shall issue a decision to grant or deny the permit or identify deficiencies in the application, provided the schedule may also reasonably limit the amount of time in which the applicant may remedy such deficiencies. All reasonable efforts shall be made by the department to ensure that deficiencies in any application for a permit are identified and the applicant notified in writing of such deficiencies not later than sixty days after the department receives such application;
 - (3) A period of reasonable length, based on the nature and complexity of the review required of the commissioner, beginning with receipt of materials submitted by the applicant in response to the commissioner's identification of deficiencies, at the end of which time the commissioner shall issue a tentative determination to grant or deny the permit. All reasonable efforts shall be made by the department to issue a tentative determination to grant or deny a permit not later than one hundred eighty days after the department determines that the application materials are sufficient, provided such one-hundred-eighty-day period shall not include any period of time during which the commissioner has requested, in writing, and is waiting to receive, additional application materials from an applicant.
- 56 (4) A period of reasonable length after such tentative determination

and the conclusion of any public hearing held with regard to such decision;

- 59 (5) Allowance for applicable state or federal public participation 60 requirements; and
 - (6) A provision extending the time periods set forth in subdivisions (2) and (3) of this subsection when action by another state agency or a federal or municipal agency is required before the commissioner may act, when (A) judicial proceedings affect the ability of the commissioner or the applicant to proceed with the application, (B) the commissioner has commenced enforcement proceedings which could result in revocation of an existing permit for the facility or regulated activity that is the subject of the application and denial of the application, or (C) the applicant provides written assent extending any applicable time period.
- (C) The commissioner shall annually compile and report on the department's Internet web site, by category of permit, instances in which the schedules for timely action set forth in this subsection were not achieved and explanations for the department's inability to meet such timeframes.
- 76 (a) The Sec. (Effective from passage) Commissioner 77 Environmental Protection shall, in coordination with representatives 78 from environmental groups, the business community 79 municipalities, undertake a study of (1) the impact of Connecticut's 80 Environmental Protection Act on (A) the business community, (B) the 81 timeliness and certainty of the permitting process under such act, and 82 (C) the efficacy of the permitting process under such act in protecting 83 and preserving the environment, and (2) existing procedures regarding 84 the issuance of general permits for activities regulated under said act. 85 The commissioner, in consultation with such representatives, shall 86 make recommendations designed to improve the process of issuing such permits and reduce the length of time to issue final 87 88 determinations for such permits. Not later than September 30, 2010, the

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89 commissioner shall report, in accordance with section 11-4a of the

- 90 general statutes, to the Governor and the joint standing committee of
- 91 the General Assembly having cognizance of matters relating to the
- 92 environment the findings of such study, the resulting
- 93 recommendations and any proposed revisions to the general statutes
- 94 to effectuate such recommendations.
- 95 (b) For purposes of streamlining the permit process, 96 commissioner shall conduct an analysis of the process followed for 97 hearings conducted by the department's office of adjudications, 98 including consideration of appropriate public participation and 99 compliance by the department with hearing requirements of the 100 federal Clean Water Act, 33 USC 1251 et seq. Not later than thirty days 101 after the effective date of this section, the commissioner shall 102 implement procedures to increase the use of settlement conferences,

enforce the requirement for submittal of prehearing evidence and

105 Sec. 3. (NEW) (Effective October 1, 2010) (a) As used in this section:

require the filing of prehearing written testimony.

- 106 (1) "Jobs" means permanent, full-time equivalent positions, not 107 including construction jobs;
- 108 (2) "Commissioner" means the Commissioner of Economic and 109 Community Development;
- 110 (3) "Permit applications" means applications for state permits and 111 licenses; and
- 112 (4) "Permit ombudsman" means the office of the permit ombudsman 113 established within the Department of Economic and Community
- 114 Development under this section.
- 115 (b) (1) The commissioner shall establish an office of the permit
- 116 ombudsman for the purpose of expediting review of permit
- 117 applications for projects that would (A) create at least one hundred
- 118 jobs, (B) create fifty jobs, if such project is to be located in an enterprise

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zone designated pursuant to section 32-70 of the general statutes, (C) be located in a brownfield, as defined in section 32-9cc of the general statutes, (D) be compatible with the state's responsible growth initiatives, (E) be considered transit-oriented development, as defined in section 13b-79kk of the general statutes, (F) develop green technology business, or (G) meet the criteria set forth in subdivision (2) of this subsection. Projects ineligible for review under this section are projects for which the primary purpose is to (i) effect the final disposal of solid waste, biomedical waste or hazardous waste in this state, (ii) produce electrical power, unless the production of electricity is incidental and not the primary function of the project, (iii) extract natural resources, (iv) produce oil, or (v) construct, maintain or operate an oil, petroleum, natural gas or sewage pipeline. For purposes of this section, "responsible growth initiatives" includes the principles of smart growth, as defined in section 1 of public act 09-230, and "green technology business" means an eligible business with not less than twenty-five per cent of its employment positions being positions in which green technology is employed or developed and may include the occupation codes identified as green jobs by the Department of Economic and Community Development and the Labor Department for such purposes.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the commissioner may, upon consideration of the economic impact factors of the project that include, but are not limited to: (A) The proposed wage and skill levels relative to those existing in the area in which the project may be located, (B) the project's potential to diversify and strengthen the state and local economy, (C) the amount of capital investment, and (D) in the judgment of the commissioner, after consultation with the Departments Environmental Protection, Transportation and Public Health that there is consistency with the strategic economic development priorities of the state and the municipality, deem projects eligible for expedited permitting pursuant to this section.

(c) The Departments of Environmental Protection, Transportation

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153 and Public Health shall each designate through existing and available 154 resources one or more staff members to act as a business ombudsmen 155 and a liaison between their offices and the permit ombudsmen. The 156 of Economic and Community Development, Commissioners 157 Environmental Protection, Transportation and Public Health shall 158 enter into a memorandum of understanding concerning each entity's 159 responsibilities with respect to the permit ombudsmen and the process 160 for expediting eligible permit applications, which shall include 161 appropriate opportunities for public participation.

- (d) The memorandum of understanding may provide for the waiver or modification of procedural rules prescribing forms, fees, procedures or time limits for the review or processing of permit applications under the jurisdiction of those agencies. Notwithstanding any other provision of the general statutes, to the extent feasible, the memorandum of understanding shall provide for proceedings and hearings otherwise held separately by the parties to be combined into one proceeding or held jointly and at one location. Such waivers or modifications shall not be available for permit applications governed by federally delegated or approved permitting programs, the requirements of which would prohibit, or be inconsistent with, such waivers or modifications. In no event shall the memorandum of understanding waive requirements of environmental statutes or regulations.
- (e) The permit ombudsman may solicit assistance of volunteers from the private sector, including a state-wide business association, the Office of Responsible Growth and from an association representing small businesses. Said volunteers may assist the permit ombudsman in developing the guidelines established pursuant to subsection (f) of this section.
- (f) The permit ombudsman, subject to the approval of the Commissioner of Economic and Community Development, shall establish, pursuant to subsection (c) of this section, guidelines to be used in working with state permitting authorities to implement the provisions of this section. Guidelines shall include, but are not limited

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to, the following: (1) An agency contact point for filing permit applications and for obtaining information on permit requirements; (2) identification of the individual or individuals within each respective agency who shall be responsible for processing the expedited permit application; (3) a mandatory preapplication review process to reduce permitting conflicts by providing guidance to applicants on (A) the permits needed from each agency, (B) specifications for site planning and development, site suitability and limitations and facility design, and (C) steps the applicant can take to ensure expeditious permit application and local comprehensive plan amendment review; (4) a single, coordinated project description form and checklist and an agreement by state agencies to reduce the necessity that an applicant provide duplicate information to multiple agencies; and (5) an application fee structure for permit expedition.

- (g) The permit ombudsman, at the request of the Commissioner of Economic and Community Development, may request the assistance of any other department, board, commission or other agency of the state to assist in providing information and assistance as said permit ombudsman determines necessary to expedite its duties and responsibilities. Each officer or employee of such office, department, board, commission or other agency of the state shall make reasonable efforts to cooperate with the permit ombudsman.
- (h) The expedited permitting process established pursuant to this section shall not modify, qualify or otherwise alter existing agency nonprocedural standards for permit applications, unless expressly authorized by law. If it is determined that the applicant is not eligible to use this process, the applicant may apply for permitting of the project through the normal permitting processes.
- Sec. 4. Section 22a-6q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- When the commissioner determines, based on the size, novelty, complexity or technical difficulty of a project, that work cannot be

completed within the schedule for timely action applicable to a permit application pursuant to subdivision (3) of <u>subsection (b) of</u> section 22a-6p, the commissioner shall notify the applicant of such determination within thirty days of receiving the permit application and shall, within forty-five days of providing such notice, establish an alternative permit schedule for timely action.

Sec. 5. (NEW) (Effective October 1, 2010) The Commissioner of Environmental Protection may continue in effect any general permit issued by the commissioner pursuant to the provisions of title 22a of the general statutes, for a period of twelve months beyond the expiration date for such permit, provided the commissioner publishes notice, not later than one hundred eighty days prior to the expiration date of such general permit of the intent to renew such general permit in accordance with any applicable provision of title 22a of the general statutes. Any such general permit continued in effect beyond its expiration date shall remain in effect until the commissioner makes a final decision on the renewal of such general permit, in accordance with the provisions of title 22a of the general statutes, provided such final decision is made on or before the twelfth month after the expiration date. If no final decision is made within such time period, such general permit shall expire. The commissioner may require the remittance of a registration fee in an amount not to exceed the existing registration fee for such general permit whenever a general permit is continued in effect beyond its expiration date in accordance with the provisions of this section. Nothing in this section shall affect the obligation of any person to register for a general permit pursuant to the provisions of title 22a of the general statutes in a timely fashion or to comply with any general permit issued by the commissioner pursuant to the provisions of title 22a of the general statutes.

Sec. 6. Subsection (j) of section 22a-430 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 249 October 1, 2010):

250 (j) (1) The commissioner may exempt persons who or

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251 municipalities which apply for permits for the following discharges

- 252 from the requirement to submit plans and specifications under
- 253 subsection (b) of this section:
- 254 (A) A discharge from a new treatment or disposal system which
- 255 system is substantially the same as a system that the applicant is
- 256 operating in compliance with a permit for said system issued by the
- 257 commissioner;
- 258 (B) The discharge is described in a general permit issued by the
- 259 commissioner pursuant to section 22a-430b;
- 260 (C) The discharge is from a system, the purpose of which, as
- 261 determined by the commissioner, is not to treat any toxic or hazardous
- 262 substances; or
- 263 (D) The discharge is exempt from public notice under subsection (b)
- 264 of section 22a-430 and regulations adopted thereunder.
- 265 (2) The commissioner [may] shall adopt regulations not later than
- 266 June 30, 2011, in accordance with the provisions of chapter 54, to
- 267 establish other categories of discharges which may be exempted from
- 268 the requirement to submit plans and specifications under subsection
- 269 (b) of this section. Such regulations may include, but not be limited to, 270

the following: (A) Minimum standards for the design and operation of

- 271 treatment systems for such discharges; and (B) requirements for
- 272 submission of information concerning such discharges.
- 273 (NEW) (Effective from passage) (a) Whenever the Sec. 7.
- 274 Commissioner of Environmental Protection is required to hold a
- 275 hearing prior to approving or denying an application upon receipt of a
- 276 timely-filed petition signed by at least twenty-five persons pursuant to
- 277 sections 22a-32, 22a-39, 22a-42a, 22a-45a, 22a-94, 22a-174, 22a-208a, 22a-
- 278 349a, 22a-361, 22a-363b, 22a-371, 22a-378a, 22a-403, 22a-411, 22a-430
- 279 and 24-68d of the general statutes or any regulation of the Connecticut
- 280 state agencies provides that the Commissioner of Environmental
- 281 Protection shall hold a hearing prior to approving or denying an

282 application upon receipt of a timely-filed petition signed by at least 283 twenty-five persons, such petition may designate a person authorized 284 to withdraw such petition. Such authorized person may engage in 285 discussions regarding an application and, if a resolution is reached, 286 may withdraw the petition.

- (b) If a petition is withdrawn, the authorized person shall file written notice with the commissioner and serve a copy of the withdrawal notice upon all parties and intervenors, if any, to the proceeding. The withdrawal of a petition shall result in the termination of the hearing process initiated by the petition. If the commissioner receives more than one petition that requires the holding of a hearing, all such petitions shall be withdrawn for the hearing to terminate pursuant to this section.
- (c) If the petition is withdrawn after notice of a public hearing has been published, the commissioner shall publish or cause to be published, at the applicant's expense, once in a newspaper having a substantial circulation in the affected area, notice of the termination of such hearing due to the withdrawal of a petition pursuant to this section.
- (d) Notwithstanding the withdrawal of any petitions pursuant to this section, the commissioner may hold a public hearing, continue with a public hearing for which notice has been published or complete a public hearing that has already commenced prior to approving or denying an application, if the commissioner determines that holding or continuing such public hearing is in the public interest.
- Sec. 8. (NEW) (Effective from passage) (a) For purposes of this section, "consulting services program" means a program within the Department of Environment Protection that is substantially similar to the consulting services program administered by the Labor Department's Division of Occupational Safety and Health, under which program civil penalties are not incurred and notices of violations are not issued as the result of the consultation process,

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314 provided any noncompliance identified by the consultation process is

- limited to minor violations, as defined in section 22a-6s of the general
- statutes, and reasonable efforts are made by the regulated entity to
- 317 comply with environmental laws and regulations.
- 318 (b) Not later than September 1, 2010, the Commissioner of
- 319 Environmental Protection shall commence negotiations with the
- 320 United States Environmental Protection Agency for the purposes of
- 321 creating a consulting services program within the Department of
- 322 Environmental Protection.
- 323 (c) Not later than October 31, 2010, the Commissioner of
- 324 Environmental Protection shall reallocate existing resources and adjust
- 325 existing policies to implement such consulting services program in
- 326 accordance with any applicable requirement of the United States
- 327 Environmental Protection Agency. If United States Environmental
- 328 Protection Agency requirements are incompatible with the
- 329 implementation of such consulting services program, the
- 330 commissioner shall consult with representatives from regulated
- 331 entities to implement alternative programs to provide compliance
- 332 assistance for businesses and municipalities. Such alternative
- programs may include, but need not be limited to, training sessions or
- other materials made available on the department's Internet web site,
- best management practices manuals and any other form of compliance
- 336 assistance.
- Sec. 9. Section 22a-426 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective March 1, 2011*):
- 339 (a) The Commissioner of Environmental Protection shall adopt [,
- and may thereafter amend,] regulations, in accordance with the
- 341 <u>provisions of chapter 54 to establish</u> standards of water quality
- 342 applicable to the various waters of the state or portions thereof. [as
- provided in this section.] Such standards shall be consistent with the
- 344 federal Water Pollution Control Act and shall be for the purpose of
- 345 qualifying the state and its municipalities for available federal grants

and for the purpose of providing clear and objective public policy statements of a general program to improve the water resources of the state; provided no standard of water quality adopted shall plan for, encourage or permit any wastes to be discharged into any of the waters of the state without having first received the treatment available and necessary for the elimination of pollution. Such standards of quality shall: (1) Apply to interstate waters or portions thereof within the state; (2) apply to such other waters within the state as the commissioner may determine is necessary; (3) protect the public health and welfare and promote the economic development of the state; (4) preserve and enhance the quality of state waters for present and prospective future use for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes and agricultural, industrial and other legitimate uses; (5) be consistent with health standards as established by the Department of Public Health. Notwithstanding the thirty-day-notice requirement prescribed by subsection (a) of section 4-168, the department shall provide a notice not later than ninety days prior to proposing any regulation in accordance with this section, including, but not limited to, notice of the availability of the underlying documentation that forms the basis for the standards sought to be adopted, amended or repealed by such proposed regulation.

[(b) Prior to adopting, amending or repealing standards of water quality, the commissioner shall conduct a public hearing. Notice of such hearing specifying the waters for which standards are sought to be adopted, amended or repealed and the time, date and place of such hearing shall be published as provided in said subdivision (1) of section 22a-6 and also at least twice during the thirty-day period preceding the date of the hearing in a newspaper having a general circulation in the area affected and shall be given by certified mail to the chief executive officer of each municipality in such area. Prior to the hearing the commissioner shall make available to any interested person any information he has as to the water which is the subject of the hearing and the standards under consideration, and shall afford to

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any interested person the opportunity to submit to him any written material. At the hearing, any person shall have the right to make a written or oral presentation. A full transcript or recording of each hearing shall be made and kept available in the files of the Department of Environmental Protection.]

- [(c)] (b) The commissioner shall establish the effective date of the adoption, amendment or repeal of standards of water quality, subject to the provisions of subdivision (1) of section 22a-6. Notice of such adoption, amendment or repeal shall be published in the Connecticut Law Journal upon acceptance thereof by the federal government.
- [(d)] (c) The commissioner shall monitor the quality of the subject waters to demonstrate the results of his program to abate pollution.
- Sec. 10. Subsection (b) of section 4-168a of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- 395 (b) Prior to the adoption of any proposed regulation, each agency 396 shall prepare a regulatory flexibility analysis in which the agency shall, 397 [consider utilizing] to the extent appropriate, utilize regulatory 398 methods that will accomplish the objectives of applicable statutes 399 while minimizing adverse impact on small businesses. Such regulatory 400 methods shall be consistent with public health, safety and welfare. The 401 agency shall [consider, without limitation] use, to the extent 402 appropriate, each of the following methods of reducing the impact of 403 the proposed regulation on small businesses:
- 404 (1) The establishment of less stringent compliance or reporting 405 requirements for small businesses;
- 406 (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- 408 (3) The consolidation or simplification of compliance or reporting requirements for small businesses;

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410 (4) The establishment of performance standards for small businesses 411 to replace design or operational standards required in the proposed 412 regulation; and

- (5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.
- Sec. 11. (*Effective from passage*) (a) There is established a task force to study the implementation by all state agencies of additional disclosure requirements, similar to the current practice of the Department of Environmental Protection, as provided in subsection (h) of section 22a-6 of the general statutes, when such agencies propose regulations pertaining to activities for which the federal government has adopted standards or procedures.
- (b) The task force shall consist of the Commissioners of Children and Families, Public Health, Social Services and Transportation, and the Banking Department, or their designees. The Governor shall appoint the chairperson of the task force not later than thirty days after the effective date of this section.
 - (c) Not later than October 1, 2010, the task force shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and to the standing legislative regulation review committee, on its findings and recommendations including the anticipated impact of such additional disclosure requirements on state agencies. The task force shall terminate on the date that it submits such report.
- Sec. 12. Subsection (a) of section 32-1m of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):
- (a) Not later than February 1, 2006, and annually thereafter, the Commissioner of Economic and Community Development shall submit a report to the Governor and the General Assembly, in accordance with the provisions of section 11-4a. Not later than thirty

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days after submission of the report to the Governor and the General

- 442 Assembly, said commissioner shall post the report on the Department
- 443 of Economic and Community Development's web site. Said report
- shall include, but not be limited to, the following information with
- 445 regard to the activities of the Department of Economic and
- 446 Community Development during the preceding state fiscal year:
- 447 (1) A brief description and assessment of the state's economy during
- such year, utilizing the most recent and reasonably available data, and
- 449 including:
- 450 (A) Connecticut employment by industry;
- 451 (B) Connecticut and national average unemployment;
- 452 (C) Connecticut gross state product, by industry;
- (D) Connecticut productivity, by industry, compared to the national
- 454 average;
- 455 (E) Connecticut manufacturing activity;
- 456 (F) Identification of economic and competitive conditions affecting
- 457 Connecticut's industry sectors, problems resulting from these
- 458 conditions and state efforts to address the problems;
- 459 (G) A brief summary of Connecticut's competitiveness as a place for
- business, which shall include, but not be limited to, an evaluation of (i)
- 461 how the programs and policies of state government affect the state
- economy and state business environment, (ii) the ability of the state to
- retain and attract businesses, (iii) the steps taken by other states to
- improve the competitiveness of such states as places for business, and
- 465 (iv) programs and policies the state could implement to improve the
- 466 competitiveness of the state in order to encourage economic growth;
- 467 and
- 468 (H) Any other economic information that the commissioner deems
- 469 appropriate.

470 (2) A statement of the department's economic and community 471 development objectives, measures of program success and standards 472 for granting financial and nonfinancial assistance under programs 473 administered by the department.

- 474 (3) An analysis of the economic development portfolio of the 475 department, including:
- 476 (A) A list of the names, addresses and locations of all recipients of 477 the department's assistance;
- 478 (B) The following information concerning each recipient of such 479 assistance: (i) Business activities, (ii) standard industrial classification 480 codes or North American industrial classification codes, (iii) number of 481 full-time jobs and part-time jobs at the time of application, (iv) number 482 of actual full-time jobs and actual part-time jobs during the preceding 483 state fiscal year, (v) whether the recipient is a minority or woman-484 owned business, (vi) a summary of the terms and conditions for the 485 assistance, including the type and amount of state financial assistance, 486 job creation or retention requirements and anticipated wage rates, (vii) 487 the amount of investments from private and other nonstate sources 488 that have been leveraged by the assistance, (viii) the extent to which 489 employees of the recipient participate in health benefit plans offered 490 by such recipient, (ix) the extent to which the recipient offers unique 491 economic, social, cultural or aesthetic attributes to the municipality in 492 which the recipient is located or to the state, and (x) the amount of 493 state investment;
 - (C) A portfolio analysis, including (i) an analysis of the wages paid by recipients of financial assistance, (ii) the average portfolio wage, median portfolio wage, highest and lowest portfolio wage, (iii) portfolio wage data by industry, and (iv) portfolio wage data by municipality;
- (D) An investment analysis, including (i) total portfolio value, (ii) total investment by industry, (iii) portfolio dollar per job average, (iv) portfolio leverage ratio, and (v) percentage of financial assistance

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which was provided to high performance work organizations in the preceding state fiscal year; and

- 504 (E) An analysis of the estimated economic effects of the 505 department's economic development investments on the state's 506 economy, including (i) contribution to gross state product for the total 507 economic development portfolio and for any investment activity 508 occurring in the preceding state fiscal year, (ii) direct and indirect 509 employment created by the investments for the total portfolio and for 510 any investment activity occurring in the preceding state fiscal year, (iii) 511 productivity of recipients of financial assistance as a result of the 512 department's investment occurring in the preceding state fiscal year, 513 (iv) directly or indirectly increased property values in the 514 municipalities in which the recipients of assistance are located, and (v) 515 personal income.
- 516 (4) An analysis of the community development portfolio of the department, including:
- 518 (A) A list of the names, addresses and locations of all recipients of 519 the department's assistance;
 - (B) The following information concerning each recipient of such assistance: (i) Amount of state investment, (ii) a summary of the terms and conditions for the department's assistance, including the type and amount of state financial assistance, and (iii) the amount of investments from private and other nonstate sources that have been leveraged by such assistance;
- (C) An investment analysis, including (i) total active portfolio value, (ii) total investments made in the preceding state fiscal year, (iii) total portfolio by municipality, (iv) total investments made in the preceding state fiscal year categorized by municipality, (v) total portfolio leverage ratio, and (vi) leverage ratio of the total investments made in the preceding state fiscal year; and
- 532 (D) An analysis of the estimated economic effects of the

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department's economic development investments on the state's economy, including (i) contribution to gross state product for the total portfolio and for any investment activity occurring in the preceding state fiscal year, (ii) direct and indirect employment created by the investments for the total portfolio and for any investment activity occurring in the preceding state fiscal year, (iii) productivity of recipients of financial assistance as a result of the department's investment occurring in the preceding state fiscal year, (iv) directly or indirectly increased property values in the municipalities in which the recipients are located, and (v) personal income.

- (5) A summary of the department's economic and community development marketing efforts in the preceding state fiscal year, a summary of the department's business recruitment strategies and activities in such year, and a summary of the department's efforts to assist small businesses and minority business enterprises in such year.
- (6) A summary of the department's international trade efforts in the preceding state fiscal year, and, to the extent possible, a summary of foreign direct investment that occurred in the state in such year.
- (7) Identification of existing economic clusters, the formation of new economic clusters, the measures taken by the commissioner during the preceding state fiscal year to encourage the growth of economic clusters and the amount of bond funds expended by the department during the previous fiscal year on each economic cluster.
- (8) (A) A summary of the department's brownfield-related efforts and activities within the Office of Brownfield Remediation and Development established pursuant to subsections (a) to (f), inclusive, of section 32-9cc in the preceding state fiscal year, except for activity under the Special Contaminated Property Remediation and Insurance Fund program. Such efforts shall include, but not be limited to, (i) total portfolio investment in brownfield remediation projects, (ii) total investment in brownfield remediation projects in the preceding state fiscal year, (iii) total number of brownfield remediation projects, (iv)

total number of brownfield remediation projects in the preceding state fiscal year, (v) total of reclaimed and remediated acreage, (vi) total of reclaimed and remediated acreage in the preceding state fiscal year, (vii) leverage ratio for the total portfolio investment in brownfield remediation projects, and (viii) leverage ratio for the total portfolio investment in brownfield remediation projects in the preceding state fiscal year. Such summary shall include a list of such brownfield remediation projects and, for each such project, the name of the developer and the location by street address and municipality and a tracking of all funds administered through or by said office;

- (B) A summary of the department's efforts with regard to the Special Contaminated Property Remediation and Insurance Fund, including, but not limited to, (i) the number of applications received in the preceding state fiscal year, (ii) the number and amounts of loans made in such year, (iii) the names of the applicants for such loans, (iv) the average time period between submission of application and the decision to grant or deny the loan, (v) a list of the applications approved and the applications denied and the reasons for such denials, and (vi) for each project, the location by street address and municipality; and
- (C) A summary of the department's efforts with regard to the dry cleaning grant program, established pursuant to section 12-263m, including, but not limited to, (i) information as to the number of applications received, (ii) the number and amounts of grants made since the inception of the program, (iii) the names of the applicants, (iv) the time period between submission of application and the decision to grant or deny the loan, (v) which applications were approved and which applications were denied and the reasons for any denials, and (vi) a recommendation as to whether the surcharge and grant program established pursuant to section 12-263m should continue.
- 596 (9) The following information concerning enterprise zones 597 designated under section 32-70:

- 598 (A) A statement of the current goals for enterprise zones;
- (B) A statement of the current performance standards to measure the progress of municipalities that have enterprise zones in attaining the goals for such zones;
- 602 (C) A report from each municipality that has an enterprise zone, 603 which evaluates the progress of the municipality in meeting the 604 performance standards established under section 32-70a; and
- 605 (D) An assessment of the performance of each enterprise zone based 606 on information collected under subparagraph (C) of this subdivision.
- 607 (10) With regard to the grant program designated pursuant to 608 sections 32-324a to 32-324e, inclusive, an assessment of program 609 performance.
- 610 (11) With regard to the fuel diversification program designated 611 pursuant to section 32-324g, an assessment of program performance.
- 612 (12) With regard to the department's housing-development-related 613 functions and activities:
- (A) A brief description and assessment of the state's housing market during the preceding state fiscal year, utilizing the most recent and reasonably available data, and including, but not limited to, (i) a brief description of the significant characteristics of such market, including supply, demand and condition and cost of housing, and (ii) any other information that the commissioner deems appropriate;
- (B) A comprehensive assessment of current and future needs for rental assistance under section 8-119kk for housing projects for the elderly and disabled, in consultation with the Connecticut Housing Finance Authority;
- 624 (C) An analysis of the progress of the public and private sectors 625 toward meeting housing needs in the state, using building permit data 626 from the United States Census Bureau and demolition data from

- 627 Connecticut municipalities;
- (D) A list of municipalities that meet the affordable housing criteria
- set forth in subsection (k) of section 8-30g, pursuant to regulations that
- 630 the Commissioner of Economic and Community Development shall
- adopt pursuant to the provisions of chapter 54. For the purpose of
- determining the percentage required by subsection (k) of said section
- 8-30g, the commissioner shall use as the denominator the number of
- dwelling units in the municipality, as reported in the most recent
- 635 United States decennial census; and
- 636 (E) A statement of the department's housing development
- objectives, measures of program success and standards for granting
- financial and nonfinancial assistance under programs administered by
- 639 said commissioner.
- 640 (13) A presentation of the state-funded housing development
- 641 portfolio of the department, including:
- (A) A list of the names, addresses and locations of all recipients of
- 643 such assistance; and
- (B) For each such recipient, (i) a summary of the terms and
- conditions for the assistance, including the type and amount of state
- 646 financial assistance, (ii) the amount of investments from private and
- other nonstate sources that have been leveraged by the assistance, (iii)
- the number of new units to be created and the number of units to be
- 649 preserved at the time of the application, and (iv) the number of actual
- 650 new units created and number of units preserved.
- 651 (14) An analysis of the state-funded housing development portfolio
- of the department, including:
- (A) An investment analysis, including the (i) total active portfolio
- value, (ii) total investment made in the preceding state fiscal year, (iii)
- 655 portfolio dollar per new unit created, (iv) estimated dollars per new
- unit created for projects receiving an assistance award in the preceding

state fiscal year, (v) portfolio dollars per unit preserved, (vi) estimated dollar per unit preserved for projects receiving an assistance award in the preceding state fiscal year, (vii) portfolio leverage ratio, and (viii) leverage ratio for housing development investments made in the preceding state fiscal year; and

(B) A production and preservation analysis, including (i) the total number of units created, itemized by municipality, for the total portfolio and projects receiving an assistance award in the preceding state fiscal year, (ii) the total number of elderly units created for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (iii) the total number of family units created for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (iv) the total number of units preserved, itemized by municipality, for the total portfolio and projects receiving an assistance award in the preceding state fiscal year, (v) the total number of elderly units preserved for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (vi) the total number of family units preserved for the total portfolio and for projects receiving an assistance award in the preceding state fiscal year, (vii) an analysis by income group of households served by the department's housing construction, substantial rehabilitation, purchase and rental assistance programs, for each housing development, if applicable, and for each program, including number of households served under each program by race and data for all households, and (viii) a summary of the department's efforts in promoting fair housing choice and racial and economic integration, including data on the racial composition of the occupants and persons on the waiting list of each housing project that is assisted under any housing program established by the general statutes or a special act or that is supervised by the department, provided no information shall be required to be disclosed by any occupant or person on a waiting list for the preparation of such summary. As used in this subparagraph, "elderly units" means dwelling units for which occupancy is restricted by age, and "family units" means dwelling

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- 691 units for which occupancy is not restricted by age.
- 692 (15) An economic impact analysis of the department's housing 693 development efforts and activities, including, but not limited to:
- 694 (A) The contribution of such efforts and activities to the gross state 695 product;
- (B) The direct and indirect employment created by the investments for the total housing development portfolio and for any investment activity for such portfolio occurring in the preceding state fiscal year; and
- 700 (C) Personal income in the state.
- 701 (16) With regard to the Housing Trust Fund and Housing Trust 702 Fund program, as those terms are defined in section 8-336m:
- 703 (A) Activities for the prior fiscal year of the Housing Trust Fund and 704 the Housing Trust Fund program; and
- (B) The efforts of the department to obtain private support for the Housing Trust Fund and the Housing Trust Fund program.
- 707 (17) With regard to the department's energy conservation loan 708 program:
- (A) The number of loans or deferred loans made during the preceding fiscal year under each component of such program and the total amount of the loans or deferred loans made during such fiscal year under each such component;
- 713 (B) A description of each step of the loan or deferred loan 714 application and review process;
- 715 (C) The location of each loan or deferred loan application intake site 716 for such program;
- 717 (D) The average time period for the processing of loan or deferred

- 718 loan applications during such fiscal year; and
- 719 (E) The total administrative expenses of such program for such 720 fiscal year.
- 721 (18) An assessment of the performance of the Connecticut qualified
- 722 biodiesel producer incentive account grant program established
- 723 pursuant to sections 32-324a to 32-324e, inclusive.
- 724 (19) An assessment of the performance of the fuel diversification 725 grant program established pursuant to section 32-324g.
- 726 (20) A summary of the total social and economic impact of the
- 727 department's efforts and activities in the areas of economic,
- 728 community and housing development, and an assessment of the
- 729 department's performance in terms of meeting its stated goals and
- 730 objectives.
- 731 (21) With regard to the office of the permit ombudsman, established
- 732 pursuant to section 3 of this act:
- 733 (A) The names of applicants for expedited review;
- 734 (B) The date of request for expedited review;
- 735 (C) The basis upon which the applicant claimed eligibility for
- 736 <u>expedited review;</u>
- 737 (D) State agencies that participated in the permit review process;
- 738 (E) The dates on which the permit was granted or denied via the
- 739 <u>expedited review process or the date the applicant was determined not</u>
- 740 to be eligible for expedited review; and
- 741 (F) If applicable, the reason the applicant was determined not to be
- 742 <u>eligible for the expedited review process.</u>"

This act shall take effect as follows and shall amend the following sections:

Section 1	from passage	22a-6p
Sec. 2	from passage	New section
Sec. 3	October 1, 2010	New section
Sec. 4	from passage	22a-6q
Sec. 5	October 1, 2010	New section
Sec. 6	October 1, 2010	22a-430(j)
Sec. 7	from passage	New section
Sec. 8	from passage	New section
Sec. 9	<i>March</i> 1, 2011	22a-426
Sec. 10	October 1, 2010	4-168a(b)
Sec. 11	from passage	New section
Sec. 12	October 1, 2010	32-1m(a)